

Appl. No. 10/594,410  
Amendment dated 01/19/2009  
Reply to Office Action of 09/17/2008

### **Remarks**

Claim 3 has been amended to include step III in the present process by deleting "optional" from Step III of the claim.

Claim 8 has been amended to depend on claim 3.

Applicant respectfully requests these amendments be considered in response to overcome the new reasons for rejections as cited in the 09/17/2008 final rejection. Applicant believes the present amendment succinctly addresses the 9/17/2008 rejections.

### **Claim Objections**

Claim 8 was objected to as being dependent on a canceled claim. Applicant has amended claim 8 to depend on claim 3.

### **Rejections under 35 U.S.C. 102**

In the office action dated 09/17/2008, claims 3, 4, 7 and 9 were rejected as being anticipated by U.S. 6,632,420 to Cen.

Claim 3 has been amended to include step III in the present process by deleting "optional" from Step III of the claim.

Applicant respectfully submits that the presently amended claims patentably distinguish from Cen. Applicant has amended claim 1 to include step III, which removes the water volatile solvent from the vesicle composition. Cen does not teach or suggest removal of its volatile solvents (such as ethanol) from its compositions while still producing vesicles.

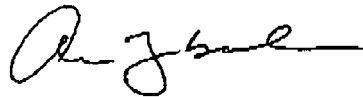
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The present response is being submitted within the six month statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for a one month extension and any additional fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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